

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CAUSE NO.: 3:06-CV-2248-BH

**PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY**

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED MAY - 5 2008 CLERK, U.S. DISTRICT COURT By _____ Deputy

LICHO ESCAMILLA,

POLUNSKY UNIT, LIVINGSTON, TX

VS.

TDC NO. 999432

**NATHANIEL QUARTERMAN,
Director of Texas Department of
Criminal Justice, Correctional
Institutions Division**

EXHIBITS

The following exhibits are submitted with this Petitioner for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254.

**EXHIBIT 26
Volume 1**



**GARY FITZSIMMONS
DALLAS COUNTY DISTRICT CLERK**

GREG ALLBRIGHT
CHIEF DEPUTY

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF DALLAS COUNTY

I, GARY FITZSIMMONS, CLERK OF THE DISTRICT COURT WITHIN AND FOR THE STATE AND COUNTY AFORESAID, DO HEREBY CERTIFY THAT AT THIS TIME OUR OFFICE IS UNABLE TO LOCATE THE FILE YOU REQUESTED, CAUSE NUMBER F97-46730, ENTITLED THE STATE OF TEXAS VS. ELIEZAR ESCAMILLA.

THE FOLLOWING CERTIFIED COPIES ARE THE ONLY DOCUMENTS IN OUR POSSESSION AT THIS TIME, GIVEN UNDER MY HAND AND SEAL OF OFFICE IN DALLAS COUNTY, TEXAS, THIS 8TH DAY OF FEBRUARY, 2008.

GARY FITZSIMMONS
DISTRICT CLERK
DALLAS COUNTY, TEXAS

BY: 

FELONY RECORDS CLERK

FORM 1
REV. 07/01/94

TDC

NO. F-9746730-L

THE STATE OF TEXAS
VS.
ELIJAH ESCAMILLA

IN THE CRIMINAL DISTRICT
COURT 5 OF
DALLAS COUNTY, TEXAS

JUDGMENT ON PLEA OF GUILTY OR NOLLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL

JULY TERM, A.D., 1997

JUDGE PRESIDING: MANNY ALVAREZ

DATE OF JUDGMENT: 08/01/97

ATTORNEY
FOR STATE: MARTIN MULLER

ATTORNEY
FOR DEFENDANT: NICK ZOES

OFFENSE
CONVICTED OF: MANSLAUGHTER

DEGREE: SECOND

DATE OFFENSE COMMITTED: 02/14/97

CHARGING
INSTRUMENT: INDICTMENT

PLEA: GUILTY

TERMS OF PLEA
BARGAIN (IN DETAIL): OPEN

PLEA TO ENHANCEMENT
PARAGRAPH(S): N/A

FINDINGS ON
ENHANCEMENT: N/A

FINDINGS ON
DEADLY WEAPON,
BIAS OR PREJUDICE,
AND/OR
FAMILY VIOLENCE: NO FINDING

DATE SENTENCE
IMPOSED: 08/01/97

COSTS: YES

PUNISHMENT AND
PLACE OF 10 YEARS
CONFINEMENT: CONFINEMENT IN THE INSTITUTIONAL DIVISION DATE TO
OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE COMMENCE: 08/01/97
AND A FINE OF \$300.00

TIME CREDITED: 021997-080197

RESTITUTION/REPARATION: NO

CONCURRENT UNLESS OTHERWISE SPECIFIED.

PA

VOL. 400 PAGE 21

ON THIS DAY, SET FORTH ABOVE, THE ABOVE STYLED AND NUMBERED CAUSE CAME TO TRIAL. THE STATE OF TEXAS AND DEFENDANT APPEARED BY AND THROUGH THE ABOVE NAMED ATTORNEYS AND ANNOUNCED READY FOR TRIAL. DEFENDANT APPEARED IN PERSON IN OPEN COURT. WHERE DEFENDANT WAS NOT REPRESENTED BY COUNSEL, DEFENDANT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED THE RIGHT TO REPRESENTATION BY COUNSEL. DEFENDANT, IN PERSON AND IN WRITING IN OPEN COURT WAIVED HIS RIGHT OF TRIAL BY JURY WITH THE CONSENT AND APPROVAL OF HIS ATTORNEY. THE ATTORNEY FOR THE STATE AND THE COURT, WHERE SHOWN ABOVE THAT THE CHARGING INSTRUMENT WAS BY INFORMATION INSTEAD OF INDICTMENT, THE DEFENDANT DID, WITH THE CONSENT AND APPROVAL OF HIS ATTORNEY WAIVE HIS RIGHT TO PROSECUTION BY INDICTMENT AND AGREE TO BE TRIED ON AN INFORMATION. ALL SUCH WAIVERS, AGREEMENTS AND CONSENTS WERE IN WRITING AND FILED IN THE PAPERS OF THIS CAUSE PRIOR TO THE DEFENDANT ENTERING HIS PLEA HEREIN. DEFENDANT WAS DULY ARRAIGNED AND IN OPEN COURT ENTERED THE ABOVE PLEA TO THE CHARGE CONTAINED IN THE CHARGING INSTRUMENT. DEFENDANT WAS ADMONISHED BY THE COURT OF THE CONSEQUENCES OF THE SAID PLEA AND DEFENDANT PERSISTED IN ENTERING SAID PLEA, AND IT PLAINLY APPEARING TO THE COURT THAT DEFENDANT IS MENTALLY COMPETENT AND SAID PLEA IS FREE AND VOLUNTARY. THE SAID PLEA WAS ACCEPTED BY THE COURT AND IS NOW ENTERED OF RECORD AS THE PLEA HEREIN OF DEFENDANT. DEFENDANT IN OPEN COURT, IN WRITING HAVING WAIVED THE READING OF THE CHARGING INSTRUMENT THE APPEARANCE, CONFRONTATION, AND CROSS EXAMINATION OF WITNESSES, AND AGREED THAT THE EVIDENCE MAY BE BY STIPULATION, CONSENTED TO THE INTRODUCTION OF TESTIMONY ORALLY, BY JUDICIAL CONFESSIONS, BY AFFIDAVITS, WRITTEN STATEMENTS OF WITNESSES AND ANY OTHER DOCUMENTARY EVIDENCE. SUCH WAIVER AND CONSENT HAVING BEEN APPROVED BY THE COURT IN WRITING AND FILED IN THE PAPERS OF THE CAUSE. THE COURT HAVING HEARD DEFENDANT'S WAIVER OF THE READING OF THE CHARGING INSTRUMENT, AS SHOWN ABOVE, DEFENDANT'S PLEA THEREIN, THE EVIDENCE SUBMITTED, AND THE ARGUMENT OF COUNSEL, IS OF THE OPINION FROM THE EVIDENCE SUBMITTED THAT DEFENDANT IS GUILTY OF THE OFFENSE AS SHOWN ABOVE AND THAT THE OFFENSE WAS COMMITTED BY SAID DEFENDANT ON THE DATE SET FORTH ABOVE. THE COURT FURTHER MAKES IT FINDINGS AS TO DEADLY WEAPON, FAMILY VIOLENCE, BIAS OR PREJUDICE, RESTITUTION OR REPARATION AS SET FORTH ABOVE.

AND WHEN SHOWN ABOVE THAT THE CHARGING INSTRUMENT CONTAINS ENHANCEMENT PARAGRAPH(S), WHICH WERE NOT WAIVED OR DISMISSED, THE COURT, AFTER HEARING THE DEFENDANT'S PLEA TO SAID PARAGRAPH(S) AS SET OUT ABOVE AND AFTER HEARING FURTHER EVIDENCE ON THE ISSUE OF PUNISHMENT, MAKES ITS FINDING AS SET OUT ABOVE. IF TRUE, THE COURT IS OF THE OPINION AND FINDS DEFENDANT HAS BEEN HERETOFORE CONVICTED OF SAID OFFENSE(S) ALLEGED IN THE SAID ENHANCEMENT PARAGRAPH(S) AS MAY BE SHOWN ABOVE.

AND WHEN SHOWN ABOVE THAT THERE WAS A PLEA BARGAIN AGREEMENT, THE DEFENDANT WAS INFORMED AS TO WHETHER THE COURT WOULD FOLLOW OR REJECT SUCH AGREEMENT AND IF THE COURT REJECTED SUCH AGREEMENT THE DEFENDANT WAS GIVEN AN OPPORTUNITY TO WITHDRAW HIS PLEA PRIOR TO ANY FINDING ON THE PLEA.

WHEN IT IS SHOWN ABOVE THAT RESTITUTION HAS BEEN ORDERED BUT, THE COURT DETERMINES THAT THE INCLUSION OF THE VICTIM'S NAME AND ADDRESS IN THE JUDGMENT IS NOT IN THE BEST INTEREST OF THE VICTIM, THE PERSON OR AGENCY WHOSE NAME AND ADDRESS IS SET OUT IN THIS JUDGMENT WILL ACCEPT AND FORWARD THE RESTITUTION PAYMENTS TO THE VICTIM.

AND WHEN IT IS SHOWN BELOW THAT PAYMENT OF THE COSTS OF LEGAL SERVICES PROVIDED TO THE DEFENDANT IN THIS CAUSE HAS BEEN ORDERED, THE COURT FINDS THAT THE DEFENDANT HAS THE FINANCIAL RESOURCES TO ENABLE THE DEFENDANT TO OFFSET SAID COSTS IN THE AMOUNT ORDERED.

THEREUPON THE SAID DEFENDANT WAS ASKED BY THE COURT WHETHER HE HAD ANYTHING TO SAY WHY SAID SENTENCE SHOULD NOT BE PRONOUNCED AGAINST HIM, AND HE ANSWERED NOTHING IN BAR THEREOF, AND IT APPEARING TO THE COURT THAT DEFENDANT IS MENTALLY COMPETENT AND UNDERSTANDING OF THE PROCEEDINGS;

IT IS, THEREFORE, CONSIDERED AND ORDERED BY THE COURT, IN THE PRESENCE OF DEFENDANT, AND HIS ATTORNEY, THAT SAID JUDGMENT AS SET FORTH ABOVE, IS HEREBY IN ALL THINGS APPROVED AND CONFIRMED, AND THAT SAID DEFENDANT BE ADJUDGED GUILTY OF THE OFFENSE AS SHOWN ABOVE, AND THAT SAID DEFENDANT BE FINISHED IN ACCORDANCE WITH THE PUNISHMENT SET FORTH ABOVE, AND DEFENDANT IS SENTENCED TO A TERM OF IMPRISONMENT OR FINE OR BOTH, AS SET FORTH ABOVE, AND DEFENDANT SHALL BE DELIVERED BY THE SHERIFF TO THE DIRECTOR OF THE INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, OR OTHER

PERMANENTLY AUTHORIZED TO RECEIVE SUCH CONVICTS FOR THE PUNISHMENT ASSESSED HEREIN, AND SAID DEFENDANT SHALL BE CONFINED FOR THE ABOVE-NAMED TERM IN ACCORDANCE WITH THE PROVISIONS OF LAW GOVERNING SUCH PUNISHMENTS. IT IS FURTHER ORDERED THAT THE DEFENDANT PAY THE FINE, COURT COST, COSTS AND EXPENSES OF LEGAL SERVICE PROVIDED BY THE COURT APPOINTED ATTORNEY IN THIS CAUSE, IF ANY, AND RESTITUTION OR REPARATION, AS SET FORTH HEREIN.

DEFENDANT IS HEREBY ORDERED REMANDED TO JAIL UNTIL SAID SHERIFF CAN OBEY THE DIRECTIONS OF THIS JUDGMENT.

FOLLOWING THE DISPOSITION OF THIS CAUSE THE DEFENDANT'S FINGERPRINT WAS, IN OPEN COURT, PLACED UPON A CERTIFICATE OF FINGERPRINT. SAID CERTIFICATE IS ATTACHED HERETO AND IS INCORPORATED BY REFERENCE AS A PART OF THIS JUDGMENT.

WHEN REQUIRED, A PRESENTENCE INVESTIGATION WAS CONDUCTED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF LAW.

** NO VICTIM IMPACT STATEMENT HAS BEEN RECEIVED BY THE COURT **
COURT COSTS IN THE AMOUNT OF \$126.50

Manny Alvarez

JUDGE PRESIDING

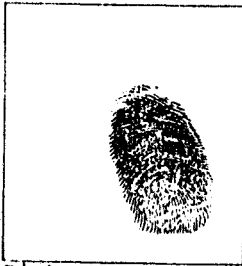
JUDGMENT
CERTIFICATE OF THUMBPRINT

CAUSE NO. 9746730

THE STATE OF TEXAS

VS
Escamilla, Eliazar

IN THE Cham
DISTRICT COURT #5
DALLAS COUNTY, TEXAS



Right
Thumb*



Defendant's Rt hand

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE-NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN COURT THIS 1 DAY OF August, 1997.

Burns #416
BAILIFF/DEPUTY SHERIFF

*Indicate here if print other than defendant's right thumbprint is placed in box:

☐ left thumbprint ☐ left/right index finger

☐ other, _____

000667

89900668

NO. CR- 113,938-A
THE STATE OF TEXAS

COUNTY COURT AT LAW # ONE

VS Alfredo Rivera HinojosaHIDALGO COUNTY, TEXAS
JULY, TERM A.D. 1993

On the 2nd day of November, A.D. 1993, this cause was called for trial and the state appeared by her Criminal District Attorney, and the defendant, appeared in person and with his/her attorney, waived. (The defendant appeared in person, not represented by counsel, and the defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel.) Both parties announced ready for trial, and said defendant in open Court, in person, pleaded guilty to the charge in the Complaint and Information. Thereupon, said Defendant was admonished by the Court of the consequences of said plea, and said Defendant persisted in pleading guilty, and it plainly appearing to the court that said Defendant is same and that he/she is uninfluenced in making said plea by any consideration of fear, or by any persuasion or delusive hope of pardon, prompting his/her to confess his/her guilt, the plea of guilty is by the Court received and here now entered of record upon the Minutes of the Court. Thereupon, Defendant requested the consent and approval of the Court to waive the right of a trial by a jury, and the Court announced its consent and approval for said Defendant to waive the right of a trial by a jury.

Thereupon, Defendant proceeded to trial before the Court, who having heard and considered the pleadings and evidence offered, is of the opinion therefrom that the Defendant is guilty of the offense of Possession of Marijuana (C/202) which was committed on August 4, 1993, as charged in the Complaint and Information herein and as confessed by him/her in said plea of guilty.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that the State of Texas do have and recover of and from said Defendant the said fine of \$ 300.00 and all costs in this prosecution expended, and execution may issue against the property of said Defendant for the amount of such fine and costs, and said Defendant being now present in court, be and (s)he is hereby committed to the custody of the Sheriff of Hidalgo County, Texas, who shall forthwith confine him/her in the Hidalgo County Jail for a term of 10 days from this date, and until said fine and costs are fully paid, or otherwise satisfied by such jail confinement at the rate of \$50.00 for each such day or fraction thereof served. Defendant is given credit for TIME spent in jail to apply on entire sentence.

IT IS FURTHER ORDERED that the Texas Driver's License to operate a motor vehicle in the State is hereby suspended for _____ DAYS; commencing today. (This paragraph does not apply if left blank.)

Whereupon Defendant accepted sentence, waived appeal and the Court sentenced Defendant to be fined in the amount as stated above, to confinement in the County Jail for a term as stated hereinabove and the Texas Driver's License suspended as stated hereinabove. Defendant is given credit for time spent in Jail to apply on the entire sentence.

This sentence to be served on consecutive week-ends (each such week-end to begin at _____ a.m. on _____, and end at _____ p.m. on the following _____ beginning on _____, 19____. (This paragraph does not apply if left blank.)

Signed and Entered on November 2, 1993Credit for 21 days HCS.

(Defendant's Index finger)

PRESIDING JUDGE, ROBERTO DELGADO
HIDALGO COUNTY, TEXAS

ENDORSEMENTS: NO. CR- 113938-A COUNTY COURT AT LAW NO. 1 HIDALGO COUNTY, TEXAS
STATE OF TEXAS VS. Alfredo Rivera Hinojosa FINAL JUDGMENT. FILED 11-2-93
BY William R. Lee CLERK, COUNTY COURT AT LAW NO. 1 HIDALGO COUNTY, TEXAS
BY Martha J DEPUTY

A TRUE COPY / CERTIFIED
ARmando Guadardo Jr.
COUNTY CLERK
NOV 16 AM 11:36
HIDALGO COUNTY, TEXAS

Docket No. _____

Case No. 93 08 045

Page # _____

B# 93 718

File # _____

Mercedes Police Department

Arrest Record

Name: Alfredo Hinojosa										Alias:	
Address: 1242 S. Georgia Mercedes, TX										Phone: 514-1217	
Occupation:			Social Security No. 459 06 5365			D.L. No. And State			Date: 8/05/93		
Age: 31			Race: W	Sex: M	Eyes: Brn	Hair: Blk	Hgt: 5'4"	Wt: 150	DOB: 9/21/61	Place of Birth: Belvedere, ILL	
Offense: POSSESSION OF MARIHUANA u/2 ounces										Where Committed: P.D. Booking room	
Where Arrested: P.D. Booking room										How Arrest Made: <input type="checkbox"/> Sight <input type="checkbox"/> Warrant <input type="checkbox"/> SPA <input type="checkbox"/> Other	
Complainant: State of Texas					Address: c/o Mercedes Police Dept.					Phone: 565-3102	
Witness: E. Trevino					Address: "					Phone:	
Witness:					Address:					Phone:	
Vehicle Impounded:											
Year:		Make:		Model:		Lic.:		Where:			
Property Taken: 1.27 change; blue wallet; book of matches; white handkerchief; brown belt; \$10.00.										By: E. Trevino	
Property Returned: Date: 8/06/93 Time: 5:45 PM by: J. Vazquez										Prisoner's Signature:	
Prisoner Released: Date: 8/06/93 Time: 5:45 PM by: J. Vazquez										Disposition:	
Synopsis: (use back if needed)											
On this date and time, I arrested Alfredo Hinojosa for Possession of Marihuana under 2 ounces. The marihuana was tagged with evidence tag #2294.											
										Rt. Index	
Arresting Officer: E. Trevino						Approved:					

MPDF-407

Mercedes Public Safety Dept.
MERCEDES, TX 78570

Crime Incident Report

Crime 481.121 CS POSSESSION OF MARIHUANA				Memo UNDER 2 OUNCES				Classification AD ALCOHOL/DRUG LAWS				Case No. 9308045					
Date & Time Occurred 08/05/93- / / 445				Location of Occurrence 323 OHIO ST S				Area		Rcvd 0342		Disp 0344		Arvd 0551		Page # 1	
Reporting Person Last,First,MI TREVINO, EDUARDO								Residence Address								Res. Phone () -	
Occupation POLICE OFFICER								Business Address 323 OHIO ST S MERCEDES, TX 78570								Bus. Phone (210) 565-3102	
Witness Last,First,MI VEGA, JOHN								Residence Address								Res. Phone () -	
Occupation POLICE OFFICER								Business Address 323 OHIO S MERCEDES, TX 78570								Bus. Phone (210) 565-3102	
Race	Sex	Age	Ht.	Wt.	Hair	Eyes	Comp	Scars\Marks	DOB	Soc. Sec.	DL	Dispo					
									- -	- -							
Offender Last,First,MI HINOJOSA, ALFREDO								Residence Address 1242 GEORGIA ST S MERCEDES, TX 78570								Res. Phone (210) 565-1217	
Occupation								Business Address								Bus. Phone	
Race Hispanic	Sex M	Age 31	Ht. 504	Wt. 150	Hair BLK	Eyes BRN	Comp DARK	Scars\Marks HANDICAPPED	DOB 09-21-61	Soc. Sec. 459-06-5365	DL	Dispo HMB					
Property		Type	Item #	Qt	NCIC #	Brand	Color	Model	Serial #	Value	Store						
		Evidence		1						\$ 0.00	T#2294						
Description: STAR'S RESTAURANT RECEIPT CONTAINING GREEN LEAFY SUBSTANCE (MARIHUANA)																	
Stolen \$ 0.00 Recovered \$ 0.00																	
Summary On above date and time, I arrested above named subject for possession of marihuana under 2 ounces. The marihuana was tagged with evidence tag #2294 and placed in locker #2.																	
Reporting Officer T5772 TREVINO,EDUARDO						Date & Time Report 08/05/93 445				Reviewed by & date / /							
Copies to:																	

MERCEDES POLICE DEPARTMENT

SUPPLEMENTARY REPORT

C#93/08/045

POSSESSION OF MARIHUANA U/2 OUNCES

On Thursday, 08/05/93 about 4:45 am, I was booking in Alfredo Hinojosa for a parole violation warrant out of county. As I was taking inventory of his property, I saw him pull out a small bulky yellow rolled up piece of paper from his left rear pant pocket. He looked at it, looked at me and then threw it to the floor. I went around the desk to frisk Alfredo and saw the yellow piece of paper in a bucket under the sink. I patted Alfredo down and placed him in the southwest cell. I went back and picked up the piece of paper. The paper turned out to be the yellow copy of a Harlingen Star's drive-in receipt which contained a green leafy substance which I believed to be marijuana. I then charged Alfredo with possession of marijuana under 2 ounces. The marijuana was tagged with evidence tag # 2294 and placed in locker #2.

page 1 of 1

Off. E. Trevino, 8/05/93

A TRUE COPY I CERTIFY
ARTURO GUJARDO JR.
COUNTY CLERK
JAN 16 AM 11 36
HIDALGO COUNTY, TEXAS
BY *[Signature]* DEPUTY

NO. CR- 106,414-A
THE STATE OF TEXAS

JUDGMENT AND SENTENCE

VS Alfredo Rivera Hinojosa

'92 OCT 21 PM 3:19
COUNTY COURT AT LAW # ONE

HIDALGO COUNTY, TEXAS LEO
JULY TERM A.D. 1992 ERK
HIDALGO COUNTY, TEXAS

On the 20th day of October, A.D. 1992 this cause was called for trial and the state appeared by her Criminal District Attorney, and the defendant, appeared in person and with his/her attorney, was waived. (The defendant appeared in person, not represented by counsel, and the defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel.) Both parties announced ready for trial, and said defendant in open Court, in person, pleaded guilty to the charge in the Complaint and Information. Thereupon, said Defendant was admonished by the Court of the consequences of said plea, and said Defendant persisted in pleading guilty, and it plainly appearing to the court that said Defendant is same and that he/she is uninfluenced in making said plea by any consideration of fear, or by any persuasion or delusive hope of pardon, prompting his/her to confess his/her guilt, the plea of guilty is by the Court received and here now entered of record upon the Minutes of the Court. Thereupon, Defendant requested the consent and approval of the Court to waive the right of a trial by a jury, and the Court announced its consent and approval for said Defendant to waive the right of a trial by a jury.

Thereupon, Defendant proceeded to trial before the Court, who having heard and considered the pleadings and evidence offered, is of the opinion therefrom that the Defendant is guilty of the offense of Driving While Intoxicated which was committed on October 14, 1992 as charged in the Complaint and Information herein and as confessed by him/her in said plea of guilty.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that the State of Texas do have and recover of and from said Defendant the said fine of \$ 100.00 and all costs in this prosecution expended, and execution may issue against the property of said Defendant for the amount of such fine and costs, and said Defendant being now present in court, be and (s)he is hereby committed to the custody of the Sheriff of Hidalgo County, Texas, who shall forthwith confine him/her in the Hidalgo County Jail for a term of 3 days from this date, and until said fine and costs are fully paid, or otherwise satisfied by such jail confinement at the rate of \$50.00 for each such day or fraction thereof served. Defendant is given credit for TIME spent in jail to apply on entire sentence.

IT IS FURTHER ORDERED that the Texas Driver's License to operate a motor vehicle in the State is hereby suspended for 90 DAYS; commencing today. (This paragraph does not apply if left blank.)

Whereupon Defendant accepted sentence, waived appeal and the Court sentenced Defendant to be fined in the amount as stated above, to confinement in the County Jail for a term as stated hereinabove and the Texas Driver's License suspended as stated hereinabove. Defendant is given credit for time spent in Jail to apply on the entire sentence.

This sentence to be served on consecutive week-ends (each such week-end to begin at a.m. on , and end at p.m. on the following beginning on , 19 . (This paragraph does not apply if left blank.)

Signed and Entered on October 20, 1992.

Credit for 8 days jail

(Defendant's Index finger)

PRESIDING JUDGE, RODOLFO DELGADO
HIDALGO COUNTY, TEXAS

ENDORSEMENTS: NO. CR- 106,414-A COUNTY COURT AT LAW NO. 1 HIDALGO COUNTY, TEXAS
STATE OF TEXAS, VS. Alfredo Hinojosa FINAL JUDGMENT. FILED 10/21/92
BY William B. [Signature] CLERK, COUNTY COURT AT LAW NO. 1 HIDALGO COUNTY, TEXAS
DEPUTY

A TRUE COPY I CERTIFY
ARTURO GUJARDO JR.
COUNTY CLERK

name: HINDJOBA, ALFREDO RIVERA
aka:
aka:

927924

'92 OCT 21 PM 3 19

sex: M

WILLIAM HILLYER

address: 1245 S. GEORGIA
phone: NON-E

MERCEDES

TX 78570

COUNTY CLERK

WIDALGO COUNTY TEXAS

hgt: 5'2
wgt: 140

eye: BRN
hair: BLK

bid: MED
cmplx: MED

usc: Y
ms: S

smt: R/A TT PEA

hcss: J-383-92
ssn: 459065365

dps:
fbi:

din: NONE
st: XX

spn: 111538
bno: 566795

agency: MERCEDES officers: BRIALES/
arrest date/time: 101492/0318
particulars: DWI

trans officer: TREVINO

arrest location: BUS 83 / VERMONT

cin: MIN SECURITY *** NO GANG AFFILIATION

cell: 2 tank: C

type: R classification: 010302010299

officer: ABELARDO GUAJARDO

comm1: NOK NONE AT REQUEST

comm2: AGE 31 OCCU./ UNEMPLOYED

def cond: HAS POLIO L/ARM AND R/LEG

DATE	OFFENSE	CRT NUMBER	BOND
------	---------	------------	------

AGENCY	OFF	DATE	TIME	OFFENSE	CASE#	BOND	LDATE	LTIME
MERCED	BRIALE	101492	0318	D.W.I.	92-10-120	2000.00		

booking date/time: 101492/2029

booking jailer: ABELARDO GUAJAR

jailer signature

defendant signature

release date/time: /

release reason

release authority

release deputy

signature rel jailer

release:

Docket No. _____

Case No. 92-10-126

Mercedes Police Department

B# 92-709

Arrest Record

Name <u>Alfredo Hinojosa</u>										Alias: <u>"Tubby"</u>	
Address <u>1243 S. Georgia St. Mercedes, TX</u>										Phone <u>—</u>	Date: <u>10/14/92</u>
Occupation <u>unemployed</u>			Social Security No. <u>459065365</u>			D.L. No. And State <u>TX 10031396</u>			Time: <u>3:21 AM</u>		
Age <u>31</u>	Race <u>M</u>	Sex <u>M</u>	Eyes <u>BLU</u>	Hair <u>BLK</u>	Hgt. <u>5'2"</u>	Wt. <u>160</u>	DOB <u>9/21/61</u>	Place of Birth <u>Belvedere, Ill</u>	Marks-Tattoos <u>both arms</u>		
Offense <u>Driving while Intoxicated</u>								Where Committed <u>Business 83 & Vermont St.</u>			
Where Arrested <u>100 Block S. Vermont St.</u>								How Arrest Made <input checked="" type="checkbox"/> Sight <input type="checkbox"/> Warrant <input type="checkbox"/> SPA <input type="checkbox"/> Other			
Complainant: <u>D. Briales Jr</u>				Address <u>CIO MPD</u>				Phone <u>565-3102</u>			
Witness:				Address				Phone			
Witness:				Address				Phone			
Vehicle Impounded:											
Year: <u>88</u>		Make: <u>Ford</u>		Model: <u>truck</u>		Lic.: <u>SPH49W</u>		Where: <u>County</u>			
Property Taken: <u>Car keys</u>										By: <u>ID</u>	
<u>13E</u>										Bag No. <u>8</u>	
Property Returned: Date: <u>10-14-92</u> Time: <u>7:20 PM</u> by: <u>E. Trevin 110</u>								Prisoner's Signature: <u>Alfredo Hinojosa</u>			
Prisoner Released: Date: <u>10-14-92</u> Time: <u>7:20 PM</u> by: <u>E. Trevin 110</u>								Disposition <u>County 2,000 Bond</u>			
Synopsis: (use back if needed)											
<u>I arrested Alfredo Hinojosa</u>											
<u>for Driving while Intoxicated (Refused)</u>											
										Rt. Index	
Arresting Officer: <u>ID</u>											
Approved: <u>Det. Neuhies</u>											

OFFICER'S RETURN

Came to the hand the _____ day of _____ A. D. 19 ____, at _____ o'clock __M.,
 and executed the _____ day of _____ A. D. 19 ____, at _____ o'clock __M.,
 by arresting the said _____

FEEES \$ _____
 MILEAGE \$ _____
 TOTAL \$ _____
 City of _____, Texas.

HART	
16-4004	
No. 81-1318	
THE STATE OF TEXAS	
vs.	
Alfredo Hinojosa	
WARRANT	
Issued this 14th day of October A. D. 19 92	
Judge Municipal Court	Mercedes, Texas.
Came to hand same day issued and	
executed on the _____ day of _____ 19 ____,	by arresting the said
Alfredo Hinojosa	
City Marshal	Policeman

THE STATE OF TEXAS



COUNTY OF Hidalgo

CITY OF Mercedes

To any Peace Officer of the State of Texas

WHEREAS, on the 14th day of October, A.D. 19 92

Complaint under oath in writing has been made before me, charging that in said City and State, _____

Alfredo Hinojosa

did commit the offense of Driving While Intoxicated

contrary to the statutes in such cases made and provided, and against the laws, peace, and dignity of the State¹

(and against the Ordinances of the City of _____, Texas.)

THESE ARE THEREFORE TO COMMAND YOU to arrest the said Alfredo Hinojosa _____

_____ and immediately bring him _____ before the Judge of the

Municipal Court in the City of Mercedes _____, Texas to answer said complaint.

HEREIN FAIL NOT, but due service and return make of this Writ as the law directs.

WITNESS my signature and seal of office this the 14th day of October, A.D. 19 92.

Strike if not applicable.

_____. Judge, Municipal Court, Mercedes _____, Texas.

COMPLAINT # 81-1318THE STATE OF TEXAS
COUNTY OF HIDALGO

*

MUNICIPAL COURT
MERCEDES, HIDALGO COUNTY, TEXAS

I, Juan Salinas Jr., do solemnly swear that I have good reason to believe and charge, that heretofore, on the 14th day of October A.D., 1992, in the County of Hidalgo and State of Texas, Alfredo Hinojosa, hereinafter called Defendant, was then and there intoxicated while driving and operating a motor vehicle in a public place, to wit: Business 83 and Vermont St. in Mercedes, Texas.

On October 14, 1992 at 3:18 a.m. while on patrol Officer D. Briales observed a brown Ford Bronco disregard the red light at the intersection of Business 83 and Vermont St. in Mercedes, Texas. The vehicle proceeded to travel north on Vermont St. and Officer Briales activated his units emergency overheads to conduct a traffic stop on said vehicle. The vehicle bearing Florida license plates EPM-49W came to a stop at the 100 blk. S. Vermont. Officer Briales made contact with the driver who was slouched on the driver seat. the driver later identified as Alfredo Hinojosa in a very thick-tongue manner told Officer Briales that he knew he had run the red light and thats why he had stopped. Officer Briales could smell a very strong odor of alcoholic beverage emitting from his breath and could see that he was very disoriented and confused. He asked him to get out of the vehicle and he complied. Upon getting out of the vehicle Mr. Hinojosa almost fell to the ground. His balance was extremely clumsy and he had red blood shot eyes. He claimed that he had polio as he swayed from side to side. He had the front portion of his shirt soiled with saliva and he also emitted an odor of human excrement. Officer Briales asked him to submit to a field sobriety test to which he complied, but was unable to follow instruction and could not perform the test. At this time he was advised that he was under arrest for Driving While Intoxicated. He was advised of his D.W.I. Statutory Warnings and was asked to submit to a breath test to which he refused. Mr. Hinojosa was detained and is awaiting arraignment.

Wherefore, I ask that a warrant to arrest said Defendant be issued forthwith accordance with the law in such cases provided.

Juan Salinas Jr.
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME on this 14th day of October

A.D. 1992.

[Signature]
JUDGE, MUNICIPAL COURT
MERCEDES HIDALGO COUNTY, TEXAS
16 AM 11 36
COUNTY CLERK
GUARDARDO JR.
COPY 1 CERTIFY

Docket No. _____

Case No. 86-11-565

Mercedes Police Department

Arrest Record

Name Alfredo Hinojosa Rivera										Alias:	
Address 1245 S. Georgia Ave.										Phone	Date: 11-09-86
Occupation Labor			Social Security No.			D.L. No. And State				Time: 12:27 AM	
Age 25	Race W	Sex M	Eyes Brn.	Hair Blk.	Hgt. 5'2"	Wt. 155	DOB 9-21-61	Place of Birth Illinois		Marks-Tattooes both arms and chest	
Offense DRIVING WHILE INTOXICATED							Where Committed Jovita's Place				
Where Arrested Starr and Illinois Ave.							How Arrest Made () Sight () Warrant () SPA () Other				
Complainant: Sgt. Vasquez				Address c/o Mercedes Police Dept.				Phone 565-3102			
Witness: R. Gutierrez				Address "				Phone "			
Witness:				Address				Phone			
Vehicle Impounded: Year: 1968 Make: Chev. Model: Lic.: 9384-EF Where: Juan's											
Property Taken:										By:	
										Bag No.	
Property Returned: Date: Time: by:								Prisoner's Signature:			
Prisoner Released Date: 11-09-86 Time: 2:00 PM by: A. Moreno								Disposition Taken to county jail on \$500 bond			
Synopsis: (use back if needed)											
On November 9, 1986 at about 12:27 AM, I, Sgt. Vasquez, arrested Mr. Alfredo Hinojosa											
for Driving While Intoxicated after observing him driving a Chevrolet green in color											
and was weaving from side to side as he traveled north bound on the 200 Blk. of North											
Illinois St.											
										Index	
Arresting Officer: Sgt. Jesus Vasquez										Approved: JAN 12 1987	
										WILLIAM "BILLY" LEO, CLERK COUNTY COURT AT LAW NO. 3 OF HIDALGO CO., TX BY <u>D. Chasb</u> DEPUTY	

MPDF-407

Mercedes Police Department

OFFENSE REPORT

NO. _____

Driving While Intoxicated

Classification

NO. 86-11-035

1 COMPLAINANT'S NAME (Firm name if business) State of Texas		2 AGE 25		DESCENT W	SEX M	DOB 9-21-61	3 PHONE (Business)
4 COMPLAINANT'S ADDRESS 323 S. Ohio Ave.		5 CITY Mercedes, Texas		8 OBJECT OF ATTACK (Burglary, theft, assault, etc.) Driving under the influence		6 PHONE (Residence)	
7 COMPLAINANT'S BUSINESS, EMPLOYMENT OR SCHOOL		10 TYPE OF BUILDING (Residence, store, bank, etc.) Vehicle		12 REPORTED TO Sgt. Vasquez			
9 PLACE WHERE OFFENSE OCCURRED 200 Blk. N. Illinois		11 REPORTED BY Sgt. Vasquez		13 DAY, DATE AND TIME OF OFFENSE Sunday 11-09-86 12:26 AM		14 DAY, DATE AND TIME OF REPORT Sunday 11-09-86 12:27 AM	
15 BODILY INJURIES TO		HOSPITAL?		16 HOW REPORTED (In person, phone, on view, other)			
17 M/O (How done - force used - at what point - with what tool or weapon - other acts or trade marks)							
17A EXACT WORDS USED BY OFFENDER							
18 VEHICLE INVOLVED IN OFFENSE (Year - color - make - model - auto license no. - year - state) 1968 Chevrolet green pickup 9384-EF							
19 DIRECTION OF FLIGHT STREET OR ROAD		<input type="checkbox"/> N <input type="checkbox"/> E <input type="checkbox"/> S <input type="checkbox"/> W		<input type="checkbox"/> AUTO <input type="checkbox"/> FOOT <input type="checkbox"/> UNK. <input type="checkbox"/> OTHER		20 WILL COMPLAINANT PROSECUTE? YES	
21 NAME AND ADDRESS OF SUSPECT(S) - OR AGE DESCENT SEX DESCRIPTION		22 CIRCLE IF SUSPECT IS Employee - Relative - Acquaintance					
23 WITNESSES NAME		BEST CONTACT ADDRESS		AGE	BEST PHONE	OTHER PHONE	PARENT OR GUARDIAN?
24 NARRATIVE (Write in any available details not covered above)							

On Sunday, November 9, 1986 at about 12:26 AM, I, Sgt. Vasquez, observed a green in color Chevrolet pickup which had pulled out from Jovita's Place located on the 200 Blk. of North Illinois Ave. As vehicle traveled north bound, I noticed that it was traveling on the wrong side of the street. I then proceeded to stop said vehicle. Vehicle came to a stop on the middle of the street on Starr Street. I then approached the vehicle which was displaying TX LP's 9384-EF and asked the driver to step out. Ad he did, I could smell a strong odor of alcohol on driver. I informed him he was under arrest for driving while intoxicated.

INVESTIGATING OFFICER(S) _____

DATE FILED _____ 26 REPORT MADE BY Sgt. Vasquez DATE 11-09-86

THIS CASE IS ☒ Unfounded ☐ Inactive ☐ Other ☐

29 APPROVED BY _____

86-11-565

Use supplementary report for additional information not covered above.

SUPPLEMENTARY REPORT

NO. _____ Driving While Intoxicated NO. 86-11-035
 Classification
 Name of Complainant Address Phone No.
State of Texas c/o Mercedes Police Dept. 565-3102
 Offense

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
 (investigating Officer must sign)

Page No. _____ Date November 9, 86

On 11-09-86 at about 12:24 AM, reporting officer was patrolling the area of Webb and Texas St. At this time, Officers Sgt. Vasquez, Ptlm. R. Valdez, and myself were dispatched to Jovita's Lounge located at the 200 Blk. of North Illinois via radio in reference to a stabbing. I responded by traveling south on Texas Ave. and turning east on Starr St. When I got to the Starr and Ohio intersection, I activated my unit's overhead emergency lights and heard Sgt. Vasquez transmit in the unit radio that he was after a green pickup truck which had pulled out of Jovita's lounge and was traveling north on Illinois St. I saw his unit after the said truck as they were about to turn west on Starr St. and decided to block the truck's path of travel with my unit. Sgt. Vasquez then called in the truck's license plates and I, in turn, drove my unit towards the truck and forced it to stop between Illinois and Ohio St. where the Hidalgo Bank outlets are located. I noticed that the truck was not going to stop so, I exited my unit, unholstered my weapon and pointed it at the operator of the truck due to the fact that I feared for my safety and to attempt to stop the truck. At that point, the operator of the truck stopped and began to exit his truck.

Once the subject was out of the truck, Sgt. Vasquez was already out of his unit and approaching the operator with his weapon unholstered. He told the operator, "no te muevas." When Sgt. Vasquez had the situation under control, he told me to go the lounge and secure the scene.

INVESTIGATING OFFICER(S) _____ 28 REPORT MADE BY Robert Gutierrez Jr. DATE 11-09-86
 CASE FILED 28 THIS CASE IS Active ☐ 29 APPROVED BY
 s ☐ No ☐ Cleared by arrest ☐ Unfounded ☐ Inactive ☐ Other ☐

☒ TRAFFIC OFFENSE☐ ACCIDENT

CASE REPORT

☐ NON-TRAFFIC
MISDEMEANOR☐ FELONY☐ FATAL☐ P.D.☐ MISDEMEANOR☐ P.I.☐ FSRANAME Hinojosa, Alfredo Rivera DOB 9/21/61 RACE W SEX M
LAST FIRST MIDDLEADDRESS 1245 S. Georgia Ave. Mercedes, Texas

DPS# _____ FBI# _____ DL# _____ CITATION# _____

OFFENSE(S) Driving While IntoxicatedCOUNTY OF OFFENSE Hidalgo LOCATION MercedesDAY OF WEEK Sunday DATE November 9, 1986 TIME 12:27 ☒ AM ☐ PMARRESTING OFFICER Sgt. Vasquez ID NO. 105 DEPT. Mercedes P.D. PARTNER n/a

WITNESSES/VICTIMS

NAME Officer Gutierrez ADDRESS c/o Mercedes Police Dept. PH. 565-3102LOCATION WHEN EVENT OCCURRED in his unit approaching suspect. WILL TESTIFY THAT Mr. Hinojosa was driving a motor vehicle in a public street.

NAME _____ ADDRESS _____ PH. _____

LOCATION WHEN EVENT OCCURRED _____ WILL TESTIFY THAT _____

CHEMICAL TEST OFFERED ☐ BREATH ☐ URINE TEST GIVEN ☐ BREATH ☐ URINE TEST RESULT _____ %
☐ BLOOD ☐ OTHER, SPECIFY _____ ☐ BLOOD ☐ OTHER, SPECIFY _____CHEMICAL TEST REFUSED ☐ YES ☒ NO
DIC 23 SUBMITTED ☐ YES ☒ NO OFFICER OPERATOR _____

OBSERVATIONS - DESCRIBE IN DETAIL

CLOTHES Gray shirt, maroon pants, black boots.ODOR OF ALCOHOLIC BEVERAGE strong ATTITUDE shock UNUSUAL ACTIONS unsure movementSPEECH slurred BALANCE handicap WALKING handicap TURNING handicap

INTERVIEW

WERE YOU OPERATING A VEHICLE? _____ DESTINATION? _____ STARTED FROM? _____

WHAT TIME? _____ WHERE ARE YOU? _____ WHEN DID YOU LAST EAT? _____

WHAT? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____ HOW MUCH? _____

LAST DRINK? _____ ARE YOU ILL? _____ WHAT'S WRONG? _____

HAVE YOU BEEN INJURED LATELY? _____ WHAT'S WRONG? _____ ARE YOU UNDER A DOCTOR'S CARE? _____

LAST DOCTOR'S VISIT? _____ WHO? _____ WHY? _____

DO YOU HAVE EPILEPSY? _____ DIABETES? _____ HAVE YOU HAD ANY INJECTIONS OR PILLS RECENTLY? _____

WHAT? _____ LAST DOSE? _____ WHEN DID YOU LAST SLEEP? _____ NO HOURS? _____

PHYSICAL HANDICAPS? _____

TIME _____ DATE _____ INTERVIEWER _____